



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
 75 Hawthorne Street
 San Francisco, CA 94105

September 14, 2009

Antonio M. Perez, Chairman & Chief Executive Officer
 Eastman Kodak Company
 343 State Street
 Rochester, New York 14650

Re: 104 (e) Request for Information - Omega Superfund Site
Real Property at 12100 Rivera Rd., Whittier, CA

Dear Mr. Perez:

The United States Environmental Protection Agency ("EPA") is spending public funds to investigate and respond to the release or threatened release of hazardous substances into the soil and groundwater at the Omega Chemical Superfund Site (the "Site"). The Site includes the location of a former refrigerant and solvent recycling facility ("Omega Chemical") located at 12504 and 12512 Whittier Boulevard in Whittier, California. The term "Site" (as used herein) refers to both the former Omega Chemical property and the areal extent (i.e., plume) of contaminated groundwater emanating from that property. In order to facilitate cleanup of hazardous substances at the Site, EPA divided the Site into operable units ("OUs"). OU-1 includes the former Omega Chemical facility and immediate vicinity.¹ OU-2 is the contamination in groundwater that originated from the former Omega Chemical facility and now extends more than four miles downgradient of OU-1. As part of its investigation, EPA is seeking to determine the nature and extent of contamination at the Site, to assess the effects of contamination on the environment and public health, and to identify activities and parties that have or may have contributed to contamination at the Site.

EPA believes that you may have information which may assist EPA in its investigation of the Site. Evidence from groundwater investigations to date suggests that operations at various facilities in the area, including Omega Chemical, may have contributed to groundwater contamination through the use of volatile organic compounds (VOCs), including but not limited to perchloroethylene (PCE), freons, trichloroethylene (TCE), methylene chloride, and 1,1-DCE. Answers to the questions in Enclosure B will provide us some of the information we need for this site investigation.

¹ OU-1 is the area that was defined as the "Phase 1A area" in the Partial Consent Decree (No. 00-12471) filed by the U.S. District Court, Central District of California, on February 26, 2001.

We request that you provide a complete and truthful response to this Information Request and attached questions (Enclosure B) within thirty (30) calendar days of your receipt of this letter. Under Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §9604(e), EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating to:

- (a) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility;
- (b) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility; and
- (c) Information relating to the ability of a person to pay for or perform a cleanup.

Please note that your compliance with this Information Request is mandatory. Failure to respond fully and truthfully may result in an enforcement action by EPA pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. §9604(e)(5). This statutory provision authorizes EPA to seek the imposition of penalties of up to \$32,500 per day of noncompliance. Please be further advised that provision of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. §1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Enclosure A, including the requirement for supporting your claim for confidentiality.

This request for information is not subject to review by the Office of Management and Budget ("OMB") under the Paperwork Reduction Act because it is not an "information collection request" within the meaning of 44 U.S.C. §§3502(3), 3507, 3512, and 3518(c)(1). See also 5 C.F.R. §§1320.3(c), 1320.4, and 1320.6(a). Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is directed to fewer than ten persons. 44 U.S.C. §3502(4), (11); 5 C.F.R. §§1320.4 and 1320.6(a).

Instructions on how to respond to the questions are described in Enclosure A. Please return your written response to this request for information, signed by a duly authorized official of your company, within **thirty (30) calendar days** of receipt of this letter. Please direct your response to:

Linda Ketellapper, SFD-7-5
U.S. Environmental Protection Agency, Region IX
Superfund Division
75 Hawthorne Street
San Francisco, California 94105

Your response should include the appropriate name, address, and telephone number of the person to whom EPA should direct future correspondence in regard to this matter on behalf of your company.

If you have questions regarding this information request, please contact Steve Berninger, Assistant Regional Counsel, at (415) 972-3909 or Linda Ketellapper, Enforcement Officer, at (415) 972-3104. If you have questions about the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Lynda Deschambault at (415) 947-4183.

We appreciate and look forward to your prompt response to this information request.

Sincerely,

A handwritten signature in cursive script that reads "Kathi Moore".

Kathi Moore, Manager
Case Development Cost & Recovery Section

Enclosures (2)

cc: Steve Berninger, EPA
Lynda Deschambault, EPA
Linda Ketellapper, EPA

ENCLOSURE A: INSTRUCTIONS AND DEFINITIONS

Instructions:

1. Answer Each Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. When answering the questions in Enclosure B, please precede each answer with the corresponding number of the question and subpart to which it responds.
3. Number Each Document. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the question to which it corresponds.
4. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
5. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
6. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA.
7. Scope of Request. The scope of this request includes all information and documents independently developed or obtained by research on the part of your company, its attorneys, consultants or any of their agents, consultants or employees.
8. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b). If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- a. clearly identify the portions of the information alleged to be entitled to confidential treatment;
 - b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
 - c. measures taken by you to guard against the undesired disclosure of the information to others;
 - d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
 - e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
 - f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.
 - g. To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all nonconfidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.
 - h. All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.
9. Disclosure to EPA's Authorized Representatives. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. 2.310(h), even if you assert that all or part of it is confidential business information. The authorized representatives of EPA to which EPA may disclose information contained in your response are as follows:

Department of Toxic Substances Control/California
Environmental Protection Agency

Science Applications International Corporation
EPA Contract Number GS-10F-0076J

CH2M Hill, Inc.
EPA RAC Contract Number EP-S9-08-04

GRB Environmental Services Inc.
Contract Number EPR90603

ITSI, Inc.
EPA RAC Contract Number EP-S9-08-03

Techlaw
EPA ROC Contract Number EP-W-07-066

Tetra Tech, Inc.
EPA Contract Number GS-10F-0168J

Any subsequent additions or changes in EPA contractors who may have access to your response to this Information Request will be published in the Federal Register.

This information may be made available to these authorized representatives of EPA for any of the following reasons: to assist with document handling, inventory, and indexing; or to assist with document review and analysis for verification of completeness; or to provide expert technical review of the contents of the response. Pursuant to 40 C.F.R. §2.310(h), you may submit comments on EPA's disclosure of any confidential information contained in your response by EPA to its authorized representatives along with the response itself, within the thirty (30) calendar day period in which the response is due.

10. Objections to Questions. If you have objections to some or all of the questions contained in the Information Request letter, you are still required to respond to each of the questions.

Definitions:

1. The term “you” or “Respondent” should be interpreted to include the addressee of this Information Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns and agents.
2. The term “person” shall include any individual, firm, unincorporated association, partnership, corporation, trust, joint venture, or other entity.
3. The term “waste” or “wastes” shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge.
4. The term “hazardous waste” shall have the same definition as that contained in Section 1004(5) of RCRA.

5. The term “hazardous substance” shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
6. The term “release” has the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.
7. The term “pollutant or contaminant” shall have the same definition as that contained in Section 101(33) of CERCLA and include any mixtures of such pollutants and contaminants with any other substance including petroleum products.
8. The term “materials” shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site including, but not limited to, all hazardous substances, pollutants or contaminants.
9. The term “documents” includes any written, recorded, computer generated or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.

ENCLOSURE B: QUESTIONS

1. State the full legal name, address, telephone number, position(s) held by, and tenure of, the individual(s) answering any of these questions on behalf of Eastman Kodak Company concerning the facility located at 12100 Rivera Rd., Whittier, CA (the “Facility”). It should be noted that this Request is not limited solely to 12100 Rivera Rd. Rather, this Request shall include any and all parcels and street addresses in the area of 12100 Rivera Rd. where your operations occurred. EPA research indicates that Eastman Kodak Company operated at a location or locations currently bordered by Rivera Road to the north, Chetle Avenue to the west, and Byron Road to the east in Whittier, CA, an area which includes the property with the current street address of 12100 Rivera Rd., Whittier, CA.
2. State whether you are currently operating at the Facility or have ever operated there in the past. If so, identify the dates you operated at the Facility. If you were not the owner of the Facility at any time during your period of operations there, provide a copy of the lease(s), rental agreement(s) or any other document(s) that establish(es) your relationship to the Facility.
3. State whether any other entities affiliated with Eastman Kodak Company have ever operated at the Facility, and identify each such entity. For each such entity, set forth the periods of operation at the Facility, the nature of its operations, and provide copies of all documentation evidencing each such entity’s operations at the Facility.
4. Identify and explain all of your business operations at the Facility, including such information as the number of employees, the size of the Facility, dates of operation, product(s) manufactured and a description of the daily activities. Include a historical perspective of all changes in operations over time. As part of your answer, identify the specific street address and/or Assessor’s Parcel Number (APN) of each location where you conducted operations, and include a historical perspective of all changes to street addresses over the course of your operations at or near the Facility.
5. Provide a scaled map of the Facility, which includes the locations of significant buildings and features. Indicate the locations of any maintenance shops, hazardous material or waste storage area(s), machine shops, degreasers, liquid waste tanks, clarifiers, chemical storage tanks and fuel tanks. Provide a physical description of the Facility and identify the following:
 - a. Surface structures (e.g., buildings, tanks, containment and/or storage areas, etc.);
 - b. Subsurface structures (e.g., underground tanks, sumps, pits, clarifiers, etc.);
 - c. Groundwater and dry wells, including drilling logs, date(s) of construction or completion, details of construction, uses of the well(s), date(s) the well(s) was/were abandoned, depth to groundwater, depth of well(s) and depth to and of screened interval(s);

- d. Past and present stormwater drainage system and sanitary sewer system, including septic tank(s) and subsurface disposal field(s);
 - e. Any and all additions, demolitions or changes of any kind to physical structures on, under or about the Facility or to the property itself (e.g., excavation work), and state the date(s) on which such changes occurred; and
 - f. Indicate the location of all waste storage or waste accumulation areas, waste disposal areas, dumps, leach fields, burn pits and any other disposal locations.
6. A 1991 figure of the facility contained an area labeled “chem dump.” Identify what operations occurred there and the associated materials or wastes.
7. If any substances containing Trichloroethylene (TCE), Tetrachloroethylene (PCE), Chromium, 1,1,1-Trichloroethane (TCA), 1,2-Dichloroethene, 1,1-Dichloroethene, 1,1-Dichloroethane, 1,4-Dioxane, Vinyl Chloride, Chloroform, or Perchlorate were utilized in any of Eastman Kodak Company’s operations at the Facility, provide a complete description of those operations (current or discontinued). For those substances containing the aforementioned materials, provide the following:
- a. The trade or brand name, chemical composition, and quantity used for each chemical or hazardous substance, and the relevant Material Safety Data Sheet for each product, and its period of use;
 - b. The location(s) where each chemical or hazardous substance is or was used, stored and disposed of. In addition, identify the kinds of wastes (e.g., scrap metal, construction debris, motor oil, solvents, waste water), quantities and methods of disposal for each chemical or hazardous substance;
 - c. A description of the waste streams from any process in which any such hazardous substance is, or was used, manufactured, generated or produced; and
 - d. Copies of any permits for storage, treatment, or disposal of any waste stream from any process in which any hazardous substance is, or was used, manufactured, generated, or produced;
8. Provide copies of all hazardous material business plans and chemical inventory forms (originals and updates) submitted to city, county and/or state agencies and all manifests governing hazardous substances generated by your operations at the Facility.
9. Provide copies of any and all documents evidencing your environmental practices at the Facility, including, but not limited to, documents setting forth your waste management practices and procedures. As part of your response, include any and all letters of enforcement from any regulatory agency concerning operations or events at the Facility and inspection notes, citizen complaints, and formal notices of violation.

10. Provide copies of all technical or analytical environmental information, including, but not limited to, any known releases of hazardous substances to any media (soil, water or air) and any data and documents related to soil, water (ground and surface), geology, hydrogeology, soil sampling, soil gas sampling or groundwater sampling on or at the Facility.
11. Provide copies of all information and documentation related to approval of any remediation or cleanup activities conducted during your ownership or operations at the Facility.
12. At the time Eastman Kodak Company first took possession of the Facility, state whether you were aware of any contamination of the Facility and describe your efforts at the time to determine if the Facility had been contaminated or otherwise environmentally impaired. Provide all documentation evidencing your efforts to determine whether the Facility was contaminated or environmentally impaired at the time you first took possession of it (e.g., Phase I or other due diligence report). Describe the environmental condition of the Facility at the time you first took possession of it. Specifically, describe any contamination and/or hazardous substances, or any evidence suggesting the possible presence of contamination and/or hazardous substances that may have been present at the Facility at the time you first took possession of it.
13. State whether the facility located at 12100 Rivera Rd., Whittier, CA was ever sold during Eastman Kodak Company's ownership or operation at the Facility. If so:
 - a. Describe the environmental condition of each parcel of real property identified as 12100 Rivera Road, Whittier, CA. As part of your response, describe any contamination and/or hazardous substances, or any evidence suggesting the possible presence of contamination and/or hazardous substances that may have been present at each identified parcel at the time of its sale; and
 - b. Provide copies of any and all documents related to the environmental condition of the property at the time of sale, including technical reports, appendices and lab reports.
14. Information obtained by EPA suggests that Eastman Kodak Company may have utilized Freon 11 (trichlorofluoromethane) or Freon 113 (trichlorotrifluoroethane) at the Facility. If so:
 - a. Identify the quantity used and the relevant Material Safety Data Sheet for each product containing Freon 11 or 113, and its period of use;
 - b. Describe all processes in which Freon 11 or 113 is or was used (including any current or discontinued processes). For each process or use, specifically identify if Freon 11 and Freon 113 was used;

- c. Identify the location(s) where Freon 11 or 113 is or was used and stored. In addition, identify the kinds of wastes that contained Freon 11 or 113 and the quantities and methods of disposal for each kind of waste; and
- d. Provide documentation evidencing the use of Freon 11 or 113 (e.g., manifests, material inventories, etc.).



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September 15, 2009

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